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Security Council

Sixty-eighth year

Provisional

7031st meeting
Monday, 16 September 2013, 9.30 a.m.
New York

President:	Mr. Quinlan	(Australia)
Members:	Argentina	Mr. Oyarzábal
	Azerbaijan	Mr. Mehdiyev
	China	Mr. Wang Min
	France	Mr. Bertoux
	Guatemala	Mr. Rosenthal
	Luxembourg	Ms. Lucas
	Morocco	Mr. Loulichki
	Pakistan	Mr. Masood Khan
	Republic of Korea	Mr. Sul Kyung-hoon
	Russian Federation	Mr. Pankin
	Rwanda	Mr. Gasana
	Togo	Mr. Menan
	United Kingdom of Great Britain and Northern Ireland	Mr. Wilson
	United States of America	Mr. DeLaurentis

Agenda

The situation in Libya

Report of the Secretary-General on the United Nations Support Mission in Libya (S/2013/516)

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The meeting was called to order at 9.40 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

Report of the Secretary-General on the United Nations Support Mission in Libya (S/2013/516)

The President: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Tarek Mitri, Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2013/516, which contains the report of the Secretary-General on the United Nations Support Mission in Libya.

At this meeting, the Council will hear briefings by Mr. Tarek Mitri and His Excellency Mr. Eugène-Richard Gasana, Permanent Representative of Rwanda, in his capacity as Chair of the Security Council Committee established pursuant to resolution 1970 (2011).

I now give the floor to Mr. Mitri.

Mr. Mitri: The Security Council has received the report of the Secretary-General (S/2013/516), which provides information on the work of the United Nations Support Mission in Libya (UNSMIL) over the past six months and offers a sober reading of the political and security developments in Libya during that period. A combination of internal and regional dynamics continues to place a huge strain on the political processes taking place in the country, which compounds further the difficult tasks facing the Libyan authorities — both the Government and the General National Congress — as they strive to ensure that the country's transition moves peacefully forward.

During the past three months, we have seen more pronounced political disagreements among the various political forces. The main political blocs within the General National Congress decided separately to suspend their participation as organized political parties in the work of national political institutions. Although partially reversed, those decisions were in large part a reaction to widespread popular discontent with political parties and, at the same, reflected an accentuated polarization of public life.

There is also a regional dimension to the significant political changes in Libya. Recent developments, particularly in Egypt and Tunisia, have had a palpable effect on the political scene and greatly influenced the behaviour of some political forces. Those events have injected a sense of unease into the political system, as different political actors reassessed their positions both with regard to the major problems confronting Libya and the region more generally.

The recent and severe disruption in the country's oil exports, following protests at a number of terminals, mostly in the east, has grave consequences for Libya's economic stability. The disruption has compelled Libya's National Oil Company to take the unprecedented measure of declaring a force majeure, indicating its inability to meet contractual export obligations. Conflicts related to oil terminal protection and federalist demands in eastern Libya are at the core of the protests.

In a country where oil revenues account for approximately 80 per cent of Libya's gross national product and 97 per cent of exports, the Libyan Government faces the dangerous prospect of not being able to meet its financial obligations unless a resolution to the crisis is reached immediately. We believe that the resolution of that crisis, as well as of the many others confronting Libya, through peaceful means is vital to the country's national interests and its ability to make meaningful progress in its transition. In that context, we also urge all parties to desist from the manipulation of Libya's resources for political ends.

With regard to the development of new legislation, the adoption of a law on transitional justice remains pending before the plenary of the General National Congress. UNSMIL believes that the passage of such a law is vital to helping Libya deal with many of its past tragedies and crimes. It is equally essential in facilitating the difficult process of national reconciliation.

The situation of many of the estimated 8,000 conflict-related detainees remains problematic. While the Ministry of Justice has reported a reduction in

complaints, reports of deaths in custody, torture and other forms of ill-treatment continue to be a source of concern. However, UNSMIL has observed a marked improvement in conditions and treatment of detainees in centres that are effectively under the authority of the Ministry of Justice and where there are experienced and trained judicial police officers.

There have been new developments regarding the trials of senior members of the Al-Qadhafi regime. Further to the conviction and sentencing to death on 31 July of Ahmad Ibrahim Al-Qadhafi, former Minister of Education and Information, the trials of some 250 defendants, including Saif al-Islam Al-Qadhafi, are expected to commence soon.

In that regard, UNSMIL continues to underline the need for a coherent approach to secure acceptable standards in the prosecution of former regime officials so as to avoid random charges and contribute to establishing a historical record of the crimes committed under the former regime. Ensuring fair trails for former regime officials will test the Libyan judicial institutions in the coming months. The prevailing security situation in the country and the continuing attacks on judges, lawyers and courthouses continue to present a formidable challenge to the authorities.

In spite of the numerous difficulties and uncertainties, I am pleased to report that the Libyan constitution-making process has made some progress, with the adoption by the General National Congress of a law for the election of the Constitution Drafting Assembly. UNSMIL had advocated for special measures for better representation of women in the Constitution Drafting Assembly. However, the adopted electoral law provides for limited representation for women, granting them six reserved seats in the 60-member Assembly, which is lower than the 16 per cent allotted to them in the July 2012 elections to the General National Congress.

For their part, cultural and ethnic minorities were granted six reserved seats. Some of their influential organizations and personalities are quite assertive in demanding that constitutional issues pertaining to their cultural and linguistic rights be decided upon by consensus rather than by a two-thirds majority of the 60-member Assembly, as stipulated in the Constitutional Declaration. The constitution-drafting process presents an opportunity for the Libyan people to forge a new social contract that will govern the new Libya, therefore making it imperative that it be transparent, consultative and inclusive.

The new Board of Commisionsers for the permanent High National Election Commission was recently selected. With the full support of the United Nations electoral team in the various areas of its work, the Commission is actively engaged in planning and preparing the elections to the Constitution Drafting Assembly.

The security problems in Libya are still, arguably, the predominant concern for the Libyan people. Since my last briefing to the Council (see S/PV.6981), there have been armed clashes in Tripoli between rival revolutionary brigades. Due to the limited State capacity to secure the capital, the newly elected President of the General National Congress, Mr. Nouri Abu-Sahmain, assigned the task of protecting the city to the Libyan Revolutionaries Operations Room, a coalition of revolutionary brigades.

Tensions among various political, tribal and armed groups have also escalated into confrontations in various parts of the country, resulting in several deaths. Assassinations of security figures, mostly in the east, and more recently of political activists and journalists, improvised explosive devices, attacks against members of the diplomatic community, threats against the United Nations and general criminality continue in the face of weak State security institutions. Border security is increasingly a critical issue that the authorities have yet to address effectively.

Progress in integrating revolutionary fighters into the police and the Libyan army remains very limited, as is their reintegration into civilian life. In an attempt to encourage revolutionaries to enlist in the army and to improve the salary scale for current uniformed personnel, the Government recently announced an increase in salaries for the military, effective from January 2014. The Government has also announced that it is moving forward with the training of between 12,000 and 15,000 soldiers outside of Libya. Restructuring the army and addressing the inflated ranks of the officer corps are urgent priorities. The Libyan police continue to integrate individuals from the armed brigades. Some are already enlisted and many more are in the vetting and enrolment process.

The Government's preoccupation with the deteriorating security situation and the increasing divisions among political groups and revolutionary

brigades have all inhibited the development of a solid, coordinated and effective national security system.

When I last briefed the Council in June, I alluded to the enormous difficulties confronted in the aftermath of four decades of despotic rule. Next month marks the two-year anniversary since the fall of the authoritarian Al-Qadhafi regime. It is more evident today that preconceived ideas about political transition are likely to be a recipe for disappointment, if not failure. Free and fair elections may have augured a democratic process, but they raised greater expectations than the political institutions and forces have been capable of meeting.

Today, there is a sense of scepticism, and perhaps of rejection, with which the Libyan people view the political process. But this should not be mistaken for a loss of faith in national unity, democracy and the rule of law. Their commitment to the principles for which they fought their revolution remains deep. The Libyan experience has demonstrated the urgent need for an inclusive dialogue and consensus-building on national priorities during the transition period, as well as regarding guiding principles, norms of governance and basic rules of political action.

In response to the increasing demand across the political spectrum for a national dialogue that can address the country's faltering transition, the Libyan authorities agreed on preparing and convening this dialogue. A national dialogue would provide a platform for engaging political, revolutionary, traditional and other actors in discussing urgent national issues and seeking consensus on strategies, as well as basic principles, that ought to govern political life in the transitional period until the adoption of a new constitution and the holding of new elections.

In my meetings with the leadership of the General National Congress and the Government, I noted a shared belief that a national dialogue process would allow for the Libyan national interest to prevail over factional, regional and short-term interests. In the light of the growing disillusionment with the political process, such a dialogue would give voice to many Libyans and open a space that does not exclude any of those who may have contributions to make to public life and who are otherwise isolated, separated or entrenched in their partisan attitudes. It would also promote a national capacity to address urgent priorities and ensure public support for State-building efforts, particularly in the security and justice sectors.

There has been an increasing number of calls for the United Nations to play an active role in initiating and facilitating national dialogue. We will not shy away from shouldering our responsibility but will continue to insist that the process should be Libyan-convened and Libyan-led. I have assured the Libyan authorities time and again, as well as many political leaders and opinion-makers, of our readiness and commitment to giving advice and technical support to dialogue endeavours, whatever form they may take. It is our hope that those efforts will come to fruition in the near future.

The President: I thank Mr. Mitri for his briefing.

I now give the floor to Ambassador Gasana.

Mr. Gasana (Rwanda): In accordance with paragraph 24 (e) of resolution 1970 (2011) of 26 February 2011, I have the honour to report to the Security Council on the work of the Committee established pursuant to the same resolution. The report covers the period from 19 June to 16 September 2013, during which time the members of the Committee met once in informal consultations.

On 2 July, the Committee received the interim report of the Panel of Experts pursuant to resolution 2095 (2013). I will briefly recapitulate parts of the executive summary of that document.

Concerning the arms embargo, the Panel concluded that the Libyan authorities had taken concrete steps in the security assistance area to implement resolution 2095 (2013), such as the establishment of a focal point structure for security assistance, which had already produced the first few end-user certificates. Despite those efforts, the Panel cautioned that more still needed to be done in that regard.

The Panel expressed its concern about the proliferation of arms and ammunition across all of Libya's borders and noted an increasing number of reported cases of trafficking of arms and ammunition from Libya to the Syrian Arab Republic by sea and air. Concerning arms proliferation within Libya, the Panel reported that the increasing demand for personal and small arms had boosted imports of materiel into the civilian black market in Libya. In that context, the Panel reported on several seizures that were made by third countries.

Concerning the travel ban, the Panel stated that of the 20 individuals originally falling under the travel

ban, five were deceased, four were currently being detained in Libya, four were living in other countries and the whereabouts of seven individuals remained unknown. The Panel further reported that both the Sultanate of Oman and the Government of Algeria had indicated that Aisha Al-Qadhafi and Mohammed Al-Qadhafi had left Algeria and were present in Oman.

With regard to the assets freeze, the Panel reported that it had obtained access in part to further revealing details of the efforts made by Saadi Al-Qadhafi and his associates to hide, move and use assets that should have been frozen, and that it was investigating reports of very large quantities of assets believed to belong to listed entities and/or individuals. The Panel underscored the inadequacies of some Member States in their legislative capacity to properly and effectively implement the assets freeze measure, which at least in one instance had resulted in the dissipation of almost $2 million in funds that should have been frozen.

The Committee discussed the report and recommendations of the Panel of Experts in informal consultations on 10 July. The report was generally well received, and the main points that emerged in the discussion were the following: concern with the reported violations and with the destabilizing effect of arms proliferation outside of Libya, in particular to the Syrian Arab Republic; welcoming the establishment by the Libyan authorities of certain procedures aimed at improving the situation, while acknowledging that more needed to be done; acknowledgement of the movement of two listed individuals from Algeria to the Sultanate of Oman; challenges faced by Member States regarding the implementation of the assets freeze and the possibility of repatriating frozen funds; welcoming the good relationship between the Panel and the Libyan Government; ways in which the Panel could be assisted with its requests for visits and for information; and how to carry forward the recommendations of the Panel of Experts.

Of the eight recommendations, the Committee agreed to take follow-up action on four. One recommendation required no action and the Committee simply took note of it, while the three remaining recommendations were addressed to the Security Council. As a follow-up to the meeting, the Panel was requested to thoroughly investigate information provided by media reports on several large shipments of arms from Libya that took place this year.

The agreed action on the four recommendations of the Panel consisted of the following. After having received on 18 July further information from the Permanent Mission of Libya on the focal point structure for security assistance, on 7 August the Committee wrote a letter to the Permanent Representative of Libya requesting further clarification and follow-up of outstanding issues, which was responded to on 4 September by the Permanent Mission of Libya. On 29 July and 4 September, the Committee updated the entries concerning Aisha Al-Qadhafi and Mohammed Al-Qadhafi in its list of individuals and entities subject to the travel ban and/or assets freeze. On 13 September, the Committee dispatched follow-up letters to six Member States concerning outstanding requests for visits by the Panel.

On 24 July, the Committee shared with the Libyan Government an unofficial and informal table that summarized the exemption requests and notifications relating to the arms embargo measures that were imposed by resolution 1970 (2011) and modified by resolutions 2009 (2011) and 2095 (2013) and processed through the Committee, from its inception until 10 July 2013.

On 27 August, the Committee updated its second implementation assistance notice on the arms embargo, reflecting modifications introduced by resolution 2095 (2013).

Also during the reporting period, the Committee concluded its agreement with INTERPOL on INTERPOL-Security Council special notices and reviewed a request for delisting from the travel ban by Aisha Al-Qadhafi.

Lastly, I would like to mention some updated statistics on issues that the Committee has dealt with since the last periodic report to the Council. In relation to the arms embargo, the Committee approved two exemption requests and received five notifications, on which no negative decision was taken. The Committee also responded to three requests for guidance from Member States.

The President: I thank Ambassador Gasana for his briefing.

I now give the floor to the representative of Libya.

Mr. Dabbashi (Libya) (*spoke in Arabic*): I thank you, Mr. President, for giving me this opportunity to address the Security Council. Allow me first to congratulate

you, Sir, on your assumption of the presidency of the Council for this month. I am confident that you will lead its deliberations to a successful conclusion.

Before addressing the substance of the issue under consideration, I would like to draw the attention of the Council to the need for procedures in the Secretariat that enable representatives of Member States under discussion in the Security Council to participate more easily in its deliberations. We know that in some cases, for one reason or another, a request for participation may reach the President of the Security Council or the Secretariat late, because of a shortcoming in one area or another. However, we have always had a structure in the Secretariat that allows for an immediate invitation to participate. Regrettably, this morning, that only happened long after the meeting had begun.

I would like to thank Mr. Tarek Mitri for his important and accurate briefing and for all the information he has provided on the situation in Libya. I should like to thank my dear friend and colleague the Permanent Representative of Rwanda, Chair of the Security Council Committee established pursuant to resolution 1970 (2011), for his briefing on the implementation of sanctions against Libya.

As the Council knows, Libya is in a period of transition. This is a complicated and sensitive time, in particular given a bloody conflict that lasted many months and ended in the fall of a dictatorship. The country was left with no institutions to speak of. What is at issue now is the creation of a new authority, new institutions and, indeed, new leadership for the country. The Government and the General National Congress are facing difficulties in this thorny period, where many different elements are converging. On the one hand, there is delight at the overthrow of the dictatorship and the re-establishment of democracy, with high expectations from the populace. On the other hand, there is the Government's limited ability to rule, a lack of institutions and an absence of deterrent force for the Government to be able to extend its control over the entire territory.

The Libyan authorities need the support of the Council. We need the support of every single State Member of the United Nations at this point. Libya is moving towards building effective, capable institutions that will rebuild the State, begin to revitalize the economy, reintegrate former combatants, ensure respect for the rule of law and achieve national reconciliation. There are many objectives to achieved, and they require strong leadership, strong institutions and a robust capacity for deterrent force. Of course, the Government has begun to set up the national army. The Government is seeking to reform, re-establish and re-arm the police force. That requires that the Security Council provide all possible assistance. The Council stood shoulder to shoulder with the Libyan people during its revolution and in recent times, and I am sure that it will continue to stand by us now.

The President: There are no more names inscribed on the list of speakers. I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.15 a.m.